

THE STATE OF SOUTH CAROLINA
In The Court of Appeals

APPEAL FROM BEAUFORT COUNTY
Court of Common Pleas

Carmen T. Mullen, Circuit Court Judge

Case No. 2013-CP-07-2251

RECEIVED
OCT 12 2016
SC Court of Appeals

Nell Barnwell Hay and Edward Barnwell,

Respondents,

v.

Chauncey N. Brown-Barnwell, Janice
Barnwell, Bank of New York, Trust
Under Agreement Dated 12/1/1 (EQCC
Trust 2001-2) and all Persons claiming
right, title, estate interest in or lien upon
the real estate described, and any known
heirs or persons being as a class
identified as John Doe, whose true
names are unknown, and any unborn
infants or persons under disability being a
class designated as Richard Roe, whose
true names are unknown, Defendants,

Of whom Chauncey N. Brown-Barnwell
and Janice Barnwell are the

Appellants.

SUPPLEMENTAL RECORD ON APPEAL

Chauncey N. & Janice M. Barnwell
98 Union Cemetery Road
Hilton Head, SC 29926
(843) 681-2627
Appellants

Drake H. Kaiser, Esq.
Post Office Box 212940
Columbia, South Carolina 29221
(803) 394-2107
Attorney for Respondents

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Certificate of Counsel

The undersigned hereby certifies that the Record on Appeal contains all material proposed to be included by any of the parties and not any other material.

October 10, 2016



Drake H. Kaiser, Esq.
Post Office Box 212940
Columbia, South Carolina 29221
(803) 394-2107
Attorney for Respondents

STATE OF SOUTH CAROLINA)

IN THE COURT OF COMMON PLEAS

COUNTY OF BEAUFORT)

PROOF OF ADR OR EXEMPTION

Nell Barnwell Hay and Edward Barnwell, Jr.)
Plaintiff,)

vs.)

FILE NO.: 2013-CP-07-2251

Chauncey N. Brown-Barnwell, Janice)
Barnwell)

Defendant.)

(An original and copy of this form is to be completed and filed with the Office of the Clerk of Court and a copy forwarded to the attorneys for the parties within 10 days of the conclusion of ADR, or within 300 days of the filing date of the action, whichever is earlier.)

PURSUANT to the South Carolina Alternative Dispute Resolution Rules (SCADR):

A. _____ I certify that this case is exempt from ADR for the following reason and the parties wish to exercise that exemption:

Plaintiff/Attorney for Plaintiff

Defendant/Attorney for Defendant

Print Name

Print Name

Phone/Fax

Phone/Fax

Date:

B. X 1. Alternative Dispute Resolution (ADR) was conducted in the form of:

Mediation

(Note: If binding arbitration has been chosen by the parties but not yet completed, an appropriate order of dismissal must be attached hereto.)

2. The neutral(s) was/were: (Name of arbitrator/mediator):

E. W. BENNETT, JR. (Mediator)

3. The ADR was conducted on August 7, and, 20 15
December 9, 2015

4. As a result of ADR, this case should be considered (please check one);

(X) Fully Settled.

() by Consent Judgment, to be filed by _____

or () Voluntary Dismissal to be filed by _____

() Partially Settled.

() At an Impasse.

() In need of further ADR I ☐ am ☐ am not willing to continue as a neutral. I recommend that ADR resume as of _____

5. Plaintiff ☒ was present ☐ was not present
 Defendant ☒ was present ☐ was not present

6. Other participants were:

X Lawyer for Defendant PRO-SE

X Lawyer for Plaintiff DRAKE KAISER, ESQUIRE

____ Representative for Insurance Carrier

____ Guardian *ad Litem*

____ Experts

____ Others

7. Choice of the neutral was by:

X Stipulation

____ Court Order

8. The total number of hours spent in ADR was: 10.00 hours.

9. Further comments of the neutral:

E. W. Bennett, Jr.

Neutral's Signature

Date: 12/10/2015

3 to RW
Brown Barnwell
RECORDED
2016 Feb -01 08:38 AM
Beaufort

BEAUFORT COUNTY AUDITOR

Prepared by:

Kaiser Reddick, LLC
1000-D St. Andrews Road
Columbia, SC 29210

ADD DMP Record 1/26/2016 10:07:29 AM
BEAUFORT COUNTY TAX MAP REFERENCE
Dist Map SMap Parcel Block Week
R510 009 000 007A 0000 00

BEAUFORT COUNTY SC - ROD
BK 3457 Pgs 2315-2317
FILE NUM 2016003508
01/25/2016 01:30:29 PM
REC'D BY rwebb RCPT# 799595
RECORDING FEES \$10.00

Space above this line for recording information

STATE OF SOUTH CAROLINA) QUITCLAIM DEED
COUNTY OF BEAUFORT) (Prepared without Abstract Verification
) or Title Examination)

WHEREAS a purported quitclaim deed from Nell B. Hay (a/k/a Nell Barnwell Hay) to Chauncey N. Brown-Barnwell dated January 28, 2013 was recorded January 29, 2013 in the Beaufort County Register of Deeds in Book 3210 at page 1958; and

WHEREAS Chauncey N. Brown-Barnwell desires to return any and all interest he may have acquired by said quitclaim deed to Nell Barnwell Hay;

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS, That **Chauncey N. Brown-Barnwell** (hereinafter referred to as the "Grantor"), in the State aforesaid, for and in consideration of Five Dollars and no/100 (\$5.00), to the Grantor herein paid at and before the sealing of these presents by **Nell Barnwell Hay** (hereinafter called "Grantee") in the State aforesaid (the receipt and sufficiency whereof is hereby acknowledged) has remised, released and forever quit-claimed and does remise, release and forever quit-claim to the said Grantee, her Heirs and Assigns, the following real property, to-wit:

Lot No. fifteen (15) of the property of the heirs of Ben W. White, Hilton Head Island, Beaufort County, South Carolina as reflected on a plat thereof recorded in the office of the RMC for Beaufort County at Plat Book 23, Page 205.

This property is conveyed subject to an Easement of ingress and egress for the adjacent property owners (if any) as reflected on the above referenced plat.

This being the same property conveyed to Edward Barnwell, Jr., Janice Barnwell, and Nell Barnwell Hay by deed of distribution from the Estate of Roaslie White Barnwell, dated January 21, 1997, and recorded on February 28, 1997, in the Office of the Register of Deeds for

Beaufort County in Book 924 at Page 2347. This also being the same property for which Nell B. Hay may have quitclaimed her interest to Chauncey N. Brown-Barnwell by quitclaim deed dated January 28, 2013 and recorded January 29, 2013 in the Beaufort County Register of Deeds in Book 3210 at page 1958.

PIN R510 009 000 007A 0000

Grantee's Address: 82 Union Cemetery Rd. Hilton Head Island, SC 29926

The premises are granted together with all the rights, members, hereditaments and appurtenances belonging or in any wise incident or appertaining to them.

To have and to hold the premises to **Nell Barnwell Hay**, her heirs and assigns, forever; so that neither I nor my heirs, nor any other person or persons, claiming under me or them, shall at any time, by any ways or means have, claim or demand any right or title to the above-mentioned premises or appurtenances, or any part or parcel of them, forever.

Any reference in this instrument to the singular shall include the plural, and vice versa. Any reference to one gender shall include the others, including the neuter. Such words of inheritance shall be applicable as are required by the gender of the Grantee.

IN WITNESS WHEREOF, the Grantor has hereunto set his Hand and Seal this 31st day of December, 2015.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

Theresa Reed
Witness #1

C. N. Brown-Barnwell
Chauncey N. Brown-Barnwell

[Signature]
Witness #2

STATE OF ~~SOUTH CAROLINA~~ ^{Georgia})
COUNTY OF ~~BEAUFORT~~ ^{Chatham}) PROBATE

PERSONALLY appeared before me the undersigned witness and made oath that he/she saw the within named Chauncey N. Brown-Barnwell sign, seal and as his act and deed, deliver the within Quitclaim Deed, and that he/she with the other witness subscribed above, witnessed the execution thereof.

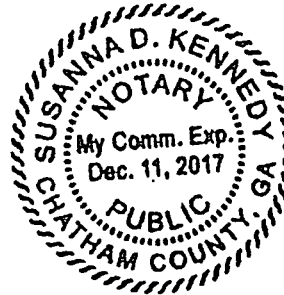
Theresa Reed

Witness #1

SWORN to before me this
31 day of December, 2015.

[Signature]

Notary Public for the State of ~~South Carolina~~ ^{Georgia}
My Commission Expires: 12-11-17



3-21-16
to Nell
Brown-Barnwell

ADD DMP Record 1/26/2016 03:46:33 PM
BEAUFORT COUNTY TAX MAP REFERENCE
Dist Map SMap Parcel Block Week
R510 003 000 0028 0000 00

BEAUFORT COUNTY SC - ROD
BK 3457 Pgs 2318-2320
FILE NUM 2016003509
01/25/2016 01:30:29 PM
REC'D BY rwebb RCPT# 799595
RECORDING FEES \$10.00

Prepared by:
Kaiser Reddick, LLC
1000-D St. Andrews Road
Columbia, SC 29210

RECORDED
2016 Feb -01 08:38 AM


BEAUFORT COUNTY AUDITOR

_____Space above this line for recording information_____

STATE OF SOUTH CAROLINA) QUITCLAIM DEED
COUNTY OF BEAUFORT) (Prepared without Abstract Verification
) or Title Examination)

WHEREAS a purported quitclaim deed from Nell B. Hay (a/k/a Nell Barnwell Hay) to Chauncey N. Brown-Barnwell dated January 28, 2013 was recorded January 29, 2013 in the Beaufort County Register of Deeds in Book 3210 at page 1955; and

WHEREAS Chauncey N. Brown-Barnwell desires to return any and all interest he may have acquired by said quitclaim deed to Nell Barnwell Hay;

NOW THEREFORE KNOW ALL MEN BY THESE PRESENTS, That **Chauncey N. Brown-Barnwell** (hereinafter referred to as the "Grantor"), in the State aforesaid, for and in consideration of Five Dollars and no/100 (\$5.00), to the Grantor herein paid at and before the sealing of these presents by **Nell Barnwell Hay** (hereinafter called "Grantee") in the State aforesaid (the receipt and sufficiency whereof is hereby acknowledged) has remised, released and forever quit-claimed and does remise, release and forever quit-claim to the said Grantee, her Heirs and Assigns, the following real property, to-wit:

All that certain piece, parcel or lot of land situate, lying and being in the Fish Haul Plantation, Hilton Head Island, County of Beaufort, State of South Carolina, being designated as 1.0 acres, more or less, and being more fully described as follows, to-wit: Beginning at an iron 250 feet from union cemetery road, more or less, and proceeding N 23° 41' 31" West for a distance of 219.47 feet; thence proceeding N 52° 13' 18" East for a distance of 196.89 feet; thence proceeding S 23° 41' 31" East for a distance of 238.51; thence proceedings S 57° 07' 02" West for a distance of 193.45 feet to the point of beginning, all measurements being a little more or less. For a more complete and accurate description as to the metes, bounds, courses and distances, reference may be had to a plat prepared for Janice Barnwell and Rosalie Barnwell by

Sea Island Engineering, Inc., dated March 21, 1995, and recorded in the office of the RMC for Beaufort County at Book 768, Page 252.

This being the same property conveyed to Edward Barnwell, Jr., Janice Barnwell, and Nell Barnwell Hay by deed of distribution from the Estate of Roaslie White Barnwell, dated January 21, 1997, and recorded on February 28, 1997, in the Office of the Register of Deeds for Beaufort County in Book 924 at Page 2343. This also being the same property for which Nell B. Hay may have quitclaimed her interest to Chauncey N. Brown-Barnwell by quitclaim deed dated January 28, 2013 and recorded January 29, 2013 in the Beaufort County Register of Deeds in Book 3210 at page 1955.

PIN R510 003 000 0028 0000

Grantee's Address: 82 Union Cemetery Rd. Hilton Head Island, SC 29926

The premises are granted together with all the rights, members, hereditaments and appurtenances belonging or in any wise incident or appertaining to them.

To have and to hold the premises to **Nell Barnwell Hay**, her heirs and assigns, forever; so that neither I nor my heirs, nor any other person or persons, claiming under me or them, shall at any time, by any ways or means have, claim or demand any right or title to the above-mentioned premises or appurtenances, or any part or parcel of them, forever.

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IN THE PRESENCE OF

Theresa Reed
Witness #1

C. N. Brown-Barnwell
Chauncey N. Brown-Barnwell

[Signature]
Witness #2

Georgia
STATE OF SOUTH CAROLINA)
COUNTY OF BEAUFORT Chatham)

PROBATE

PERSONALLY appeared before me the undersigned witness and made oath that he/she saw the within named Chauncey N. Brown-Barnwell sign, seal and as his act and deed, deliver the within Quitclaim Deed, and that he/she with the other witness subscribed above, witnessed the execution thereof.

Theresa Reed

Witness #1

SWORN to before me this
31 day of December, 2015.

[Signature]

Notary Public for the State of South Carolina Georgia

My Commission Expires: 12-11-17

